



DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 319 and 381

[Docket No. FSIS-2010-0012]

RIN [0583-AD41]

Common or Usual Name for Raw Meat and Poultry Products

Containing Added Solutions - Reopening of Comment Period

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is reopening for 60 days the comment period for the proposed rule, "Common or Usual Name for Raw Meat and Poultry Products Containing Added Solutions." It is also providing information concerning data used to develop the proposed rule and providing examples of labels about which FSIS has concerns.

DATES: The comment period for the proposed rule published July 27, 2011, at 76 FR 44855, is reopened. Submit comments by [INSERT DATE 60 DAYS AFTER PUBLICATION].

ADDRESSES: FSIS invites interested persons to submit relevant comments on the implementation of this proposed rule. Comments may be submitted by either of the following methods:

- Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to

<http://www.regulations.gov>. Follow the online instructions at that site for submitting comments.

- Mail, including floppy disks or CD-ROMs, and hand- or courier-delivered items: Send to U.S. Department of Agriculture (USDA), FSIS, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW, Room 8-163A, Mailstop 3782, Washington, DC 20250-3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2010-0012. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

DOCKET: For access to background documents or comments received, go to the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalyn Murphy-Jenkins, Director, Labeling and Program Delivery Division, Office of Policy and Program Development, FSIS, USDA, (301)504-0879.

SUPPLEMENTARY INFORMATION: On July 27, 2011, FSIS published the proposed rule "Common or Usual Name for Raw Meat and Poultry Products Containing Added Solutions" (76 FR 44855) to amend its regulations to establish a common or usual name for raw meat

and poultry products that do not meet standard of identity regulations and to which solutions have been added. The Agency proposed that the common or usual name for such products include an accurate description of the raw meat or poultry component, the percentage of added solution incorporated into the raw meat or poultry product, and the individual ingredients or multi-ingredient components in the solution listed in the descending order of predominance by weight. FSIS also proposed that the print for all words in the common or usual name appear in a single font size, color, and style of print and that the name appear on a single-color contrasting background. In addition, the Agency proposed to remove the standard of identity regulation for "ready-to-cook poultry products to which solutions are added." The comment period for the proposed rule ended on September 26, 2011.

The Agency received a request for a 60 day extension of the comment period. The letter explained that additional time to comment was necessary because the proposed amendments are important to many meat and poultry companies. FSIS agrees that the proposed amendments are important, and, to provide more time for constructive comment, the Agency is reopening the comment period for the proposed rule. The comment period will close on [INSERT DATE 60 DAYS AFTER PUBLICATION].

The letter also requested the information, data, and evidence that FSIS considered in developing the proposed rule. In addition, the request asked the Agency for examples of specific labels in the marketplace about which it has concerns.

The Agency responded that the information, data, and evidence on which it based the proposed amendments can be found in the Truthful Labeling Coalition's (TLC) petition and attachments referenced in the proposed rule(76 FR 44857). The TLC petition and its attachments are available in the FSIS Docket Room and on its Web site

([http://www.fsis.usda.gov/Regulations & Policies/Proposed Rules/index.asp](http://www.fsis.usda.gov/Regulations%20&%20Policies/Proposed%20Rules/index.asp)).

In response to the request for specific labels in the marketplace that FSIS has concerns about, examples of such labels are included in the Sorensen Associates Consumer Research Study

([http://www.fsis.usda.gov/PDF/Petition Truthful Labeling Coalition Attachments.pdf](http://www.fsis.usda.gov/PDF/Petition_Truthful_Labeling_Coalition_Attachments.pdf)) and "Attachment B" of the TLC petition ([http://www.fsis.usda.gov/PDF/Petition Truthful Labeling Coalition.pdf](http://www.fsis.usda.gov/PDF/Petition_Truthful_Labeling_Coalition.pdf)). To provide further examples, the Agency posted additional representative samples of marketplace labels ([http://www.fsis.usda.gov/PDF/2010-0012 Examples.pdf](http://www.fsis.usda.gov/PDF/2010-0012_Examples.pdf)).

The Agency's response to the request for information, data, and evidence that FSIS considered in developing the proposed

rule is posted on its Web site at

(http://www.fsis.usda.gov/regulations_and_policies/Proposed_Rules/index.asp).

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at

http://www.fsis.usda.gov/regulations_and_policies/Federal_Register_Publications_and_Related_Documents/index.asp.

FSIS will also make copies of this Federal Register publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, Federal Register notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at

http://www.fsis.usda.gov/News_&_Events/Email_Subscription/**Error!**

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Done at Washington, DC, on: November 1, 2011

Alfred V. Almanza,

Administrator.

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